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January 17, 2023

Via ECF

Honorable Thomas I. Vanaskie, Special Master
Stevens & Lee, P.C.
1500 Market Street, East Tower, 18th Floor
Philadelphia, Pennsylvania 19103

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*,
No. 1:19-md-02875-RBK (D.N.J.)

Dear Judge Vanaskie:

Plaintiffs respectfully submit this letter in advance of the January 19, 2023 status conference.

1. Remaining Deadlines in CMOs 29 and 30

The Parties have met and conferred regarding the deadlines in CMOs 29 and 30 in light of the liability expert depositions continuing through most of February, and they have agreed to request a two-week extension to all remaining deadlines in both CMOs. (ECF [2154](#), [2190](#)). Plaintiffs will be prepared to discuss this request further with the Court during the status conference.

2. Losartan/Irbesartan Plaintiff Fact Sheet Order

The Parties have agreed upon a PFS order regarding losartan-or-irbesartan-only cases, and defense counsel will submit that order with their letter.

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3. TPP Motion to Compel Briefing Completed

As the Court is aware, Defendants requested ten categories of additional documents from MSPRC. MSPRC has agreed to produce documents related to seven of those categories and has already produced many of those documents. MSPRC, however, objected to producing documents related to three categories: (1) subsidy, reimbursement, and rebate data, (2) CMS bids, and (3) internal reporting on projected drug spend.

As set forth in MSPRC's briefing on this issue ([ECF 2181](#)) and as MSPRC argued at the October 6 and 27, 2022 hearings, those three requests are overbroad and seek out material that is both irrelevant and consists of highly confidential trade secrets.

The vast majority of any so-called subsidy or reimbursement data is maintained on an aggregate basis and cannot be used to identify any purported payments specific to valsartan drugs, making such data irrelevant. The information contained in the CMS bids and any spend projections is highly confidential and proprietary and goes to the heart of the assignors' business operations. Such data also has no relevance because what the assignors thought they would spend has no bearing on the harm they suffered when they purchased contaminated valsartan drugs. Finally, MSPRC has already produced data showing the valsartan drugs that the assignors purchased, along with data related to so-called replacement drugs.

MSPRC stands by the arguments in its briefing on this issue and the arguments it made at the October 6 and 27, 2022 hearings. However, it will be prepared to further address this issue at the status conference.

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Thank you for your courtesies and consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Adam M. Slater", is written over a horizontal line.

ADAM M. SLATER

cc: All Counsel (via CM/ECF)